

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\***

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SYSTEM AND METHOD FOR OPTIMIZING OPERATIONS VIA DATAFLOW ANALYSIS**

and for which a patent application:

- is attached hereto and includes amendment(s) filed on *(if applicable)*
- was filed in the United States on as Application No. *(for declaration not accompanying application)* with amendment(s) filed on *(if applicable)*
- was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s)  | Priority Not Claimed     | Certified copy attached?                                 |
|---|--------------------------|--|
| <hr/><br>(Number) <hr/><br>(Country) <hr/><br>(Foreign Filing Date) <hr/> | <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

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(Application Serial No.) 

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(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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(Application Serial No.) 

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(Filing Date) 

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(Status)  
(patented, pending, abandoned)

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or  
first inventor:

Daniel J. Scales

Inventor's signature:

Daniel J. Scales

Date:

3 January 2001

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Full name of second joint  
inventor, if any:

\_\_\_\_\_

Inventor's signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

Residence:

\_\_\_\_\_

Citizenship:

\_\_\_\_\_

Post Office Address:

\_\_\_\_\_

Full name of third joint  
inventor, if any:

\_\_\_\_\_

Inventor's signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

Residence:

\_\_\_\_\_

Citizenship:

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Post Office Address:

\_\_\_\_\_

## POWER OF ATTORNEY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Daniel J. Scales

Application No.: To be assigned

Group Art Unit: To be assigned

Filed: Herewith

Examiner: To be assigned

For: SYSTEM AND METHOD FOR  
OPTIMIZING OPERATIONS VIA  
DATAFLOW ANALYSIS

Attorney Docket No.: 9772-0268-999

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints: S. Leslie Misrock (Reg. No. 18872), Berj A. Torzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Frieboe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Aljan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeon (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32603), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D.

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Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Filament (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Alan Tenenbaum (Reg. No. 34939), Michael J. Lyons (Reg. No. 37,386), Garland T. Stephens (Reg. No. 37,242) and William J. Sipio (Reg. No. 34,514), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 24341), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

An assignment of the entire interest in the above-identified subject application:

was recorded on \_\_\_\_\_ at reel/frame / .  
 is submitted herewith for recording.

Please direct all correspondence for this application to customer no. 24341.

ASSIGNEE:

Compaq Computer Corporation

Signature:

Richard P. Lange

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Richard P. Lange

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Date:

8/26/01